



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

EDWARD JESSE DREYFUSE

3534873

(Enter above the full name of the plaintiff
or plaintiffs in this action).

(Inmate Reg. # of each Plaintiff)

VERSUS

CIVIL ACTION NO. 2:18-cv-1152

(Number to be assigned by Court)

RAHUL GUPTA, M.D. Commissioner, W.VA. D.H.H.R.;
ALLEN MOCK, M.D., W.VA Chief Medical Examiner,
Defendants in their individual and
official capacities

(Enter above the full name of the defendant
or defendants in this action)

COMPLAINT

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes _____

No ☒

This 42 U.S.C. § 1983 Civil Action is NOT
related to prison, confinement or
D.O.C. - it is seeking Declaratory Relief
Against The STATE Medical Examiner -
(See ATTACHED) A-171111A-5

- B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs: _____

Defendants: _____

2. Court (if federal court, name the district; if state court, name the county);

-
3. Docket Number: _____

4. Name of judge to whom case was assigned:

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

-
6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

II. Place of Present Confinement: N.C.F. Moundsville W. VA.

A. Is there a prisoner grievance procedure in this institution?

Yes ✓ No

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

NOT APPLICABLE

Yes No

C. If your answer is YES:

1. What steps did you take? NOT APPLICABLE

2. What was the result?

D. If your answer is NO, explain why not: NOT APPLICABLE -

SEE ATTACHED -

III. Parties

(In item A below, place your name and inmate registration number in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff: Edward Jesse Dreyfuss # 3534873

Address: 112 N.R.C. DR. MOUNDSVILLE, WV 26041

B. Additional Plaintiff(s) and Address(es):

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

C. Defendant: Rahul Gupta, M.D.; Commissioner

is employed as: W.V.A. D.H.H.R.

at 305 Capitol St, Rm 702, Charleston, WV, 25301

D. Additional defendants: _____

Allen Molk, M.D.

W.V.A. Chief Medical Examiner

619 Virginia St. West, Charleston WV, 25302

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

Deprivation of Rights by Persons Acting
Under The Color of Law

Denial of The Rights under The Fifth and
Fourteenth Amendments of The U.S.
Constitution

SEE ATTACHED A1 THRU A5

IV. Statement of Claim (continued):

PURSUANT TO RULE 8 (1) OF THE FEDERAL RULES
OF CIVIL PROCEDURE, PLAINTIFF AFFIRMS THAT
PROPER JURISDICTION IS IN THE U.S. DISTRICT
COURT OF W.VA. SOUTHERN DISTRICT, CHARLESTON
DIVISION, AS THE DEFENDANTS ARE DEPRIVING
PLAINTIFF OF DOCUMENTS, CONSTITUTIONAL RIGHTS
AND OTHERWISE FROM CHARLESTON W.VA
IN THEIR OFFICIAL AND INDIVIDUAL
CAPACITIES

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments.
Cite no cases or statutes.

DECLARATORY / INJUNCTIVE RELIEF

(SEE ATTACHED) ALTHOUGH

V. Relief (continued)):

VII. Counsel

- A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

- B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes _____ No ☒

If so, state the name(s) and address(es) of each lawyer contacted:

If not, state your reasons: _____

- C. Have you previously had a lawyer representing you in a civil action in this court?

Yes _____ No ☒

If so, state the lawyer's name and address:

Signed this 11 day of JULY, 2018.

Edward James Drybuse

Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on JULY 11, 2018
(Date)

Edward James Drybuse
Signature of Movant/Plaintiff

Signature of Attorney
(if any)

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

EDWARD JESSE DREYFUSE,
Plaintiff,

VS.)

RAHWL GUPTA, Commissioner, W.VA. D.H.H.R.,
In his Official and Individual Capacities;
ALLEN MOCK, W.VA. Chief Medical Examiner,
In his Official and Individual Capacities,
Defendants, Jointly and Severally

42 U.S.C.S. § 1983 CIVIL ACTION

Comes the Plaintiff, Edward Jesse Dreyfuss, Pro-se,
Presenting the instant Civil Action Against the
Defendants and serves Notice upon each that
They are being sued in their Official and individual
Capacities, Jointly and Severally for the Deprivation
of Constitutional Rights by Persons Acting under
the Color of Law of the State of West Virginia.

CAUSE FOR ACTION

Plaintiff presents the sole claim against both of the
Defendants as one under 42 U.S.C.S. § 1983 for the
deprivation of rights under color of state law.

COMPLAINT

Plaintiff, who is a party in numerous Federal and State Court actions where the cause of Mr. Otis Clay's death is a material issue did present formal and proper requests to the Defendants for a full and complete copy of Mr. Otis Clay Jr.'s Autopsy Report pursuant to the State Statutory provisions of W.Va. Code § 61-12-10(d) which requires that copies of the Autopsy Report shall be furnished, upon request to any Court of Law, or to the parties therein to whom the cause of death is a material issue, and W.Va. Code § 61-12-13 which mandates that Autopsy reports be admitted into evidence.

Plaintiff did inform the Defendants in his requests for the Autopsy Report that he is in fact the person who was convicted of Mr. Otis Clay Jr.'s murder and a pro-se party in numerous Federal and State Court actions where the cause of Mr. Otis Clay Jr.'s death is a material issue, to wit, Plaintiff is legally entitled to the provision of the requested Autopsy Report pursuant to W.Va. Code § 61-12-10(d) and § 61-12-13.

Plaintiff received a letter of Denial of the requested Autopsy Report from the Defendant's Lawyer, Attorney Skinner, who informed your Plaintiff to seek actions in the Kanawha County Circuit Court for injunctive reliefs if he wished to obtain a copy of Mr. Otis Clay Jr.'s Autopsy Report.

Plaintiff did make further requests for the same Autopsy Report to the Defendants and again cited the statutes of W.VA. CODES § 61-12-10(d) and § 61-12-13 as the legal prerequisites for the provision of the requested Autopsy Report and further included a notice of intent to seek federal actions against the Defendants should they continue to deprive your Plaintiff a copy of the requested Autopsy Report in order to bring the Defendants who are acting as W.VA. state officials to bring their conduct into compliance with constitutional and statutory standards.

Plaintiff asserts that both Defendants are intentionally depriving him the constitutional rights under the Fifth and Fourteenth Amendments of the U.S. Constitution of Due Process and Equal Protection of law and also the state statutory provisions of W.VA. CODES § 61-12-10(d) which provides that copies of the Autopsy Report shall be furnished, upon request to any court of law, or to the parties therein to whom the case of death is a material issue, and W.VA. CODES § 61-12-13 which mandates that Autopsy Reports be admitted into evidence.

Plaintiff avers that he is a "Party" in federal and state court actions to whom Mr. Otis Clay Jr.'s case of death is a material issue.

Plaintiff asserts that the afore described Deprivations are being intentionally inflicted by the Defendant's who are acting under the color of state law so as to cause the Plaintiff frustration and delays in seeking Reliefs where the matters and material issues as to the cause of Mr. Otis Clay Jr.'s Death are being addressed in Federal and State Court Actions.

RELIEFS SOUGHT

Plaintiff seeks the injunctive relief and, or the corresponding declaratory relief of this Honorable Court issuing an ORDER against the Defendant's to immediately provide to the Plaintiff a full and complete copy of Mr. Otis Clay Jr.'s Autopsy Report, and that an ORDER be issued and directed against the Defendant's that they immediately discontinue the Deprivations of Rights as are being committed by the Defendant's acting under the color of state law, as such deprivation of the Autopsy Report is depriving the Plaintiff the rights secured under the Fifth and Fourteenth Amendments of the U.S. Constitution of Due Process and Equal Protection of Law and also the state statutory provisions of W. VA. CODES 61-12-10(d) which requires copies of the Autopsy Report shall be furnished,

UPON REQUEST TO ANY COURT OF LAW, OR TO THE PARTIES THEREIN TO WHOM THE CAUSE OF DEATH IS A MATERIAL ISSUE; AND W.VA. CODES 61-12-13 WHICH MANDATES THAT AUTOPSY REPORTS BE ADMITTED INTO EVIDENCE.

PLAINTIFF SEEKS NO DAMAGES IN ANY MONETARY AMOUNT AS ONLY INJUNCTIVE AND DECLARATORY RELIEFS ARE REQUESTED IN THE INSTANT ACTION RESPECTFULLY.

PLAINTIFF SEEKS ANY OTHER RELIEFS THAT THIS COURT MAY DEEM APPROPRIATE.

Edward Jesse Dreyfuss

June 24, 2018

I, Edward Jesse Dreyfuss, AFFIRM THAT THE FOREGOING IS TRUE AND CORRECT UNDER THE PENALTY OF PERJURY PURSUANT TO 28 U.S.C. § 1746 ON THE ABOVE EXECUTED DATE, I FURTHER INCLUDE THAT NOTICE OF INTENT TO FILE THIS ACTION IS SERVED UPON THE DEFENDANT'S BY PROVISION OF A TRUE COPY OF SUCH AND INCLUDE THAT SUCH ACTION WILL BE FILED IN THE U.S. DISTRICT COURT IF THE DEFENDANT'S DO NOT PROVIDE A COPY OF MR. OTIS CLAY JR.'S AUTOPSY REPORT TO THE PLAINTIFF BY JULY 11, 2018.